

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director / (954) 797-1101
Prepared by Roberta Moore, Planner I

SUBJECT: Resolution
DG 10-1-03 Wolf in the Woods, 5360 South University Drive / Generally located at the east side of University Drive between Griffin Road and Stirling Road.

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE RESTRICTIVE NOTE OF THE "GILLER" PLAT, AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The petitioner is requesting to amend the plat note on the "Giller" Plat to reduce the total square footage of office use and to allow Home Improvement Store. This request reflects the proposed development known as "Wolf in the Woods".

The application, as a result of a request by the Broward County Development Management Division, is requesting to amend the plat note to 21,433 square feet of home improvement store and 3,590 square feet of office space. This is due to an unforeseen trip concurrency issue the applicant has with Broward County. The previous plat notes provided for 6,400 square feet of retail/commercial use and 25,600 square feet of warehouse use. The applicant is amending the note to reflect the actual square footage as shown on the proposed site plan.

Town Council approved R-98-41 to amend the note from "32,000 square feet of office uses" to "23,000 square feet of office use and 24,500 square feet of light industrial use" on February 4, 1998.

Staff finds that the proposed amendment is consistent with the proposed use of the subject site as retail, warehouse, office space and assembly.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: N/A

RECOMMENDATION: Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachments: Resolution, Planning Report, Justification, Plat, Future Land Use Map, Subject Site, Zoning and Aerial Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE RESTRICTIVE NOTE OF THE "GILLER" PLAT, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the subdivision plat known as the "Giller" Plat was recorded in the public records of Broward County in Plat Book 155, Page 38; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the restrictive note shown on the "Giller" Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2003.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003.

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

Owner / Petitioner:

Name: William H. Wolf III
Address: 5975 South University Drive
City: Davie, Florida 33328
Phone: (954) 680-8944

Background Information

Application History: No deferrals have been requested.

Application Request: Petitioner is requesting to amend the plat note on the "Giller" Plat to reduce the total square footage of office use and to allow Home Improvement Store.

From:

"This plat is restricted to 32,000 square feet of office use. Commercial / retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by approval of the Broward County Board of County Commissioners."

To:

"This plat is restricted to 21,433 square feet of Home Improvement Store and 3,590 square feet of office use. This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by approval of the Broward County Board of County Commissioners."

Address/Location: 5360 South University Drive/Generally located on the east side of University Drive between Griffin Road and Stirling Road.

Future Land Use Plan Designation: Commerce / Office

Zoning: CC, Commerce Center District

Existing Use: Vacant

Proposed Use: Wolf in the Woods Design Center

Parcel Size: 2.0833 acres (90,749 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
North:	Utility (FPL Substation)	Utility
South:	Mini-Storage	Commerce/Office
East:	Vacant/	Commerce/Office
West:	Auto Dealership	Commercial

Surrounding Zoning:

North:	U, Utility
South:	CC, Commerce Center District
East:	B-3, Planned Business Center District
West:	CC, Commerce Center District

Zoning History

Related Plat History: Town Council approved the plat, P 12-1-92 The Giller Plat, on February 3, 1993.

Previous Requests on same property: A Site Plan (SP 5-3-03) is to be heard concurrently with this Delegation Request application. The Site plan approval is for two (2) buildings, landscaping, lighting, draining, and associated parking. The first for retail and the second for warehouse, office space and assembly.

A Vacation of Right of Way application (VA 10-1-03) was submitted on October 29, 2003. This application is to vacate the 12.5 feet of right-of-way on the south side of the parcel. This application is proposed to be heard at the December 17, 2003 Town Council meeting.

Previously Town Council approved the Delegation Request (DG 10-3-02, The Giller Plat) on November 20, 2002. The Delegation Request was to amend the current plat note restriction on "The Giller Plat" from "32,000 square feet of Office use" to "6,400 square feet of retail/commercial use and 25,600 square feet of warehouse use."

Town Council approved R-98-41 to amend the note from "32,000 square feet of office uses" to "23,000 square feet of office use and 24,500 square feet of light industrial use" on February 4, 1998.

Applicable Codes and Ordinances

Section 12-322 Application of concurrency monitoring system.

(A) Development Subject to Adequacy Determination

- (1) For plats or replats, or for site plans or building permits where the property is unplatted or was platted, with plat approval received before March 20, 1979, all development of previously vacant land, except that specified in subsection (A)(3) below, shall be subject to adequacy determination unless a current site plan is in effect for the development.
- (2) For plats or replats, or for site plans or building permits where the property

is unplatted or was platted, with plat approval received before March 20, 1979, all development of previously improved lands shall be subject to an adequacy determination for the additional trips that equals the difference between the trips to be generated by the proposed development and the trips to be generated by any existing development. Existing development shall be construed to include previous development demolished no earlier than eighteen (18) months previous to the date the final plat application is submitted, or the application for a site plan or building permit approval is submitted.

- 3) For a replat, or an amendment to a note on a plat, or a requirement to place a note on a plat, where property was platted after March 20, 1979, an adequacy determination shall be required for only those additional trips that equal the difference between the previous plat and the replat, or the previous note and the proposed amendment to the note, or the development approved by the county commission at the time of plat approval and the proposed note to be placed on the plat.

Sec. 12-360. Purposes of Divisions 1 and 2

(A) The purpose of Divisions 1 and 2 is to provide rules for exemptions and other guidelines related to the platting requirements of the Town of Davie Comprehensive Plan. The requirements of this chapter are adopted for the following purposes:

- (1) To assist in orderly and efficient development of the town;
- (2) To promote the health, safety, morals and general welfare of the residents of the town;
- (3) To ensure conformance of subdivision plats with the effective land use plan, zoning requirements and public improvement plans of the town;
- (4) To ensure coordination of development of related areas of the town in contiguous territory;
- (5) To establish uniform standards for the design of subdivision plats and for minimum subdivision improvements;
- (6) To provide regular procedures for the uniform and expeditious processing and approval of subdivision plats by the proper officials;
- (7) To assure cooperation and greater convenience for subdividers.

The Broward County Land Development Code requires Delegation Requests for plat note revisions.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 10. This Planning Area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Pine Island Road, a major north/south arterial, on the western limits of this planning area provides through access from Griffin Road to Stirling Road. Commercial development of retail centers and office buildings line the University Drive corridor. The east side of this corridor is predominantly small-scale commercial development, with multi-family

residential development (one existing, one proposed) and plant nurseries on the northern half of the corridor, and commerce park development and cattle grazing on commerce park-zoned lands on the southern half. These include, but are not limited to, a regional library, multiple church uses varying scales, a girl scout campground facility, and a private school. Commercial development also exists along Griffin Road within this planning area. Several small-scale single-family residential communities, two trailer parks totaling approximately 30 acres in area, and an 8 acre industrial park are located within this planning area, together with six parcels zoned for community facilities uses.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102.

Broward County Land Development Code: The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2:* The (re)zoning, (re)planning, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Uses portion of the Implementation Section.

Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 8-1: The Commerce/Office category shall provide for the suitable location of office complexes and multi-use developments in a campus-like setting consistent with policies directing the location of commercial and industrial land uses.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-6: Town land development regulations shall address incompatible land uses through requirements such as buffering and setbacks.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-7: Adopted land development regulations shall continue to set forth setbacks or separation regulations, landscaping requirements, and minimum open space criteria to enhance living and working environments.

Significant Development Review Agency Comments

Broward County Development Management Division is the County lead agency in assessing the impact of development through the plat and/or delegation request process. Broward County requires that the petitioner request to amend or revise the level of approved development on the plat. Such requests must be approved by the local municipality and

County Commission, and then subsequently recorded against the plat. As part of the delegation request process, the property would be reviewed for traffic concurrency and assessed any additional traffic impact fees, or mitigation measures, as applicable.

Application Details and Staff Analysis

The applicant is requesting to amend the plat note as a result of a request by the Broward County Development Management Division to reduce the square footage of office uses and to add square feet of home improvement store in order to address a concurrency issue the applicant has with the County. The Restrictive Note currently permits 32,000 square feet of office uses.

This amendment to the Restrictive Note is due to the unforeseen trip concurrency the applicant has with Broward County which caused too many trips along University Drive based upon the office usage.

Findings of Fact

The applicant has requested to amend the plat note to reflect the actual use and square footage of the proposed Wolf in the Woods site plan. The ability to reflect the actual square footage will assist the county in its assessment of future traffic generated by this project in combination with other projects in the vicinity. In addition, the property owner will only be required to pay for the exact impacts his proposed development will generate. The request is consistent with both the Town of Davie and Broward County Comprehensive Plan and Land Development Regulations.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Exhibits

1. Resolution
2. Justification letter
3. Plat
4. Future Land Use Map
5. Subject Site, Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____



Wolf In the Woods, Inc.

5975 S UNIVERSITY DRIVE, DAVIE, FL 33328
PHONE 954-680-8944 FAX 954-680-7056

TOWN OF DAVIE
6591 ORANGE DR
DAVIE, FL 33314-3399
954-797-1111

SUBJECT: GILLER PLAT (155,38)
PLAT NO: 001-MP-93

TO WHOM IT MAY CONCERN:

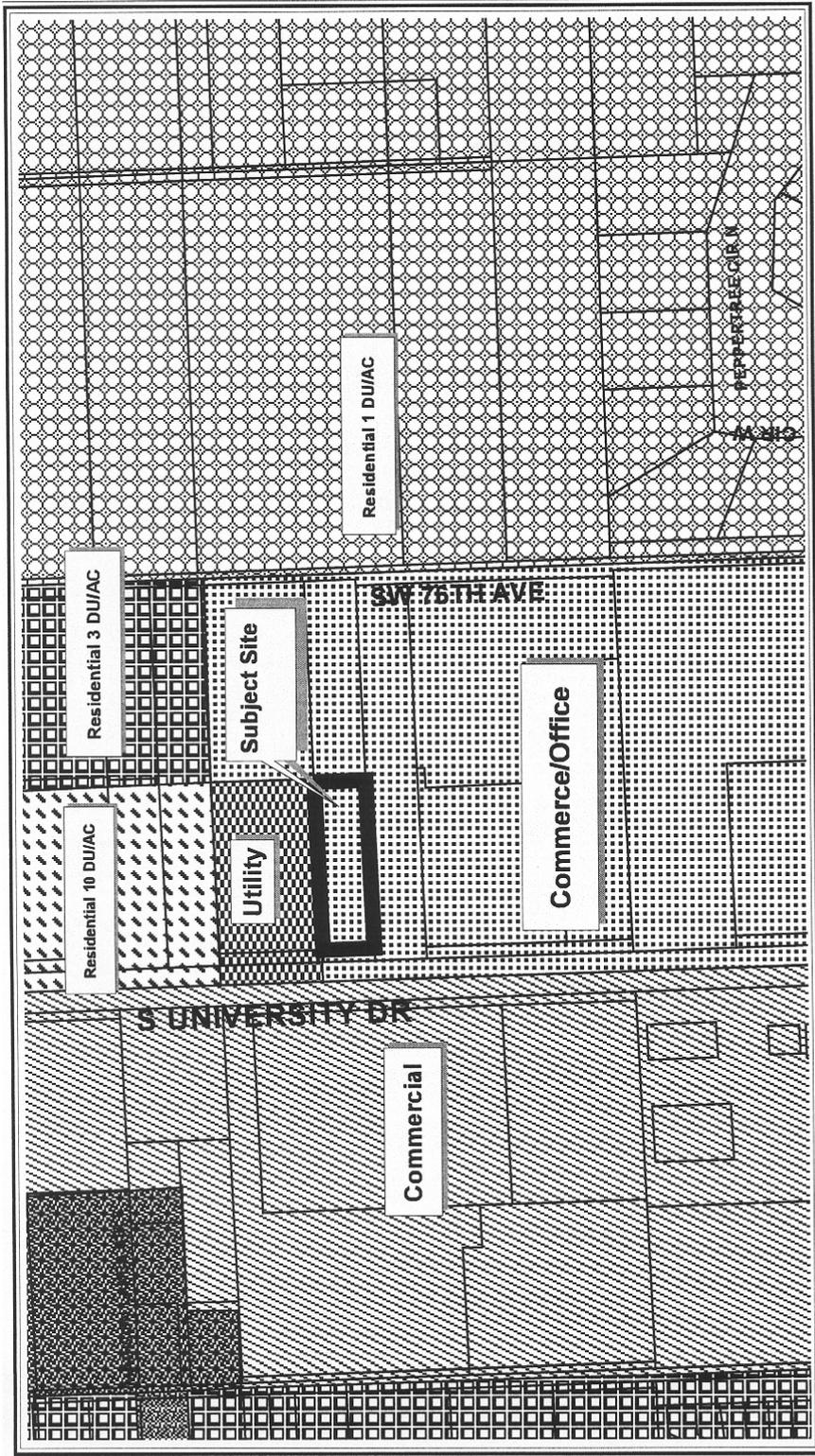
WE ARE ASKING FOR A REVISED DELIGATION REQUEST. THIS IS TO AMMEND THE APPROVED DELEGATION REQUEST (DG 10-3-02) RESOLUTION NO. R-2002-306. DUE TO AN UNFORSEEN TRIP CONCURRENCY ISSUE WITH BROWARD COUNTY, WE ARE ASKING FOR A REVISED DELEGATION WITH THE TOWN OF DAVIE.

UNDER STUDIES DONE WITH BROWARD COUNTY ON THE "GILLER PLAT" (155,38), THE ISSUE WOULD BE RESOLVED BY AMMENDING THE NOTE TO 21,433 SQ FT OF HOME IMPROVMENT STORE AND 3,590 SQ FT OF OFFICE SPACE.

IF YOU NEED ANYTHING, PLEASE CALL PATTY GULL 954-357-6640 WITH BROWARD COUNTY DEPARTMENT OF PLANNING AND ENVIRONEMTAL PROTECTION DEVELOPMENT MANAGEMENT DIVISION.

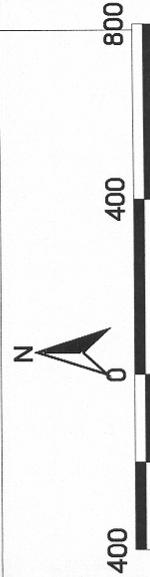
SINCERELY,

WILLIAM H. WOLF III

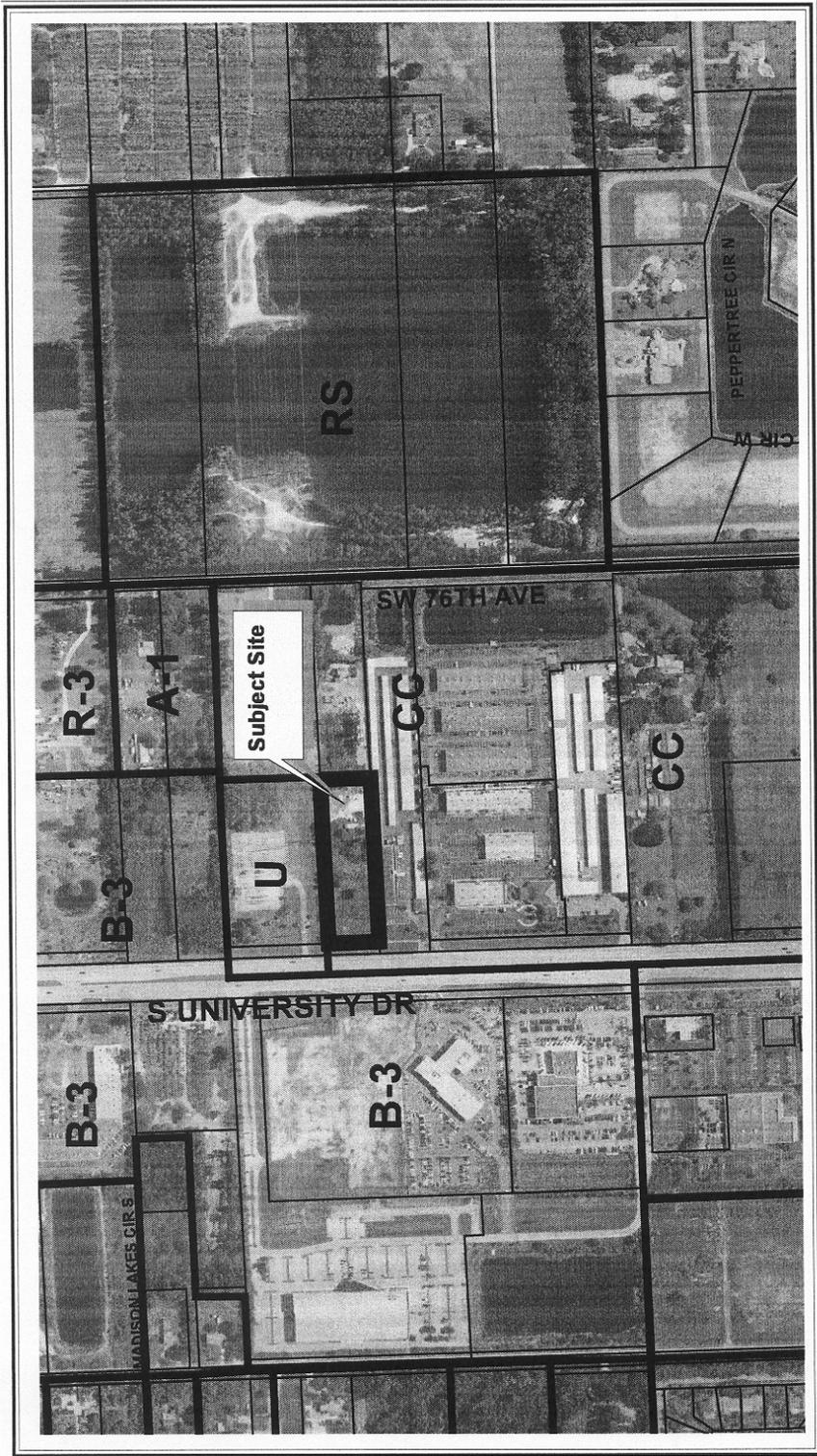


DELEGATION REQUEST
DG 10-1-03
Future Land Use Map

Prepared By: rkm
 Date Prepared: 11-17-03



Planning & Zoning Division - GIS



**DELEGATION REQUEST
 DG 10-1-03
 Zoning and Aerial Map**

Prepared By: fkm
 Date Prepared: 11-17-03

